

Opinion issued September 20, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00762-CV

NORMAN J. SILVERMAN, Appellant

V.

**SONIC AUTOMOTIVE, JVP, LP D/B/A MOMENTUM PORSCHE
AND PORSCHE CARS NORTH AMERICA, INC., Appellees**

**On Appeal from the 269th District Court
Harris County, Texas
Trial Court Case No. 2019-38107**

MEMORANDUM OPINION

The Court received a letter dated August 6, 2021, informing the Court that the parties to the appeal (1) resolved all claims and causes of action in the underlying lawsuit and (2) were finalizing a formal settlement agreement and would dismiss the appeal once completed. On June 28, 2022, the Clerk of this Court notified the parties

that neither a motion to dismiss nor any other filing had been received from the parties since the August 6, 2021 letter. The Court requested that the parties either file a motion to dismiss or advise the Court of the status of the case within 10 days. Appellee Porsche Cars North America, Inc., filed a letter confirming that it had settled with appellant. Appellee Sonic Automotive JVP, LP d/b/a Momentum Porsche subsequently filed a motion to dismiss the appeal asserting, among other things, that a settlement agreement had been executed on September 22, 2021. Appellant did not respond to either this Court's notice or the motion to dismiss the appeal. More than ten days have passed since the motion to dismiss was filed. *See* TEX. R. APP. P. 10.3(a).

We grant the motion and dismiss the appeal. *See Gonzales v. Lopez*, No. 01–04–01241–CV, 2007 WL 2052169, at *1 (Tex. App.—Houston [1st Dist.] July 19, 2007, no pet.) (mem. op.) (dismissing appeal after notice where counsel informed Court parties had settled but did not file motion to dismiss); *see also Valley Baptist Med. Ctr. v. Gonzalez*, 33 S.W.3d 821, 822 (Tex. 2000) (requiring actual controversy exist between parties to appeal for appellate court to exercise jurisdiction). We dismiss any other pending motions as moot.

PER CURIAM

Panel consists of Justices Goodman, Countiss, and Farris.